

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

Crl.MC.No. 4749 of 2015 ()

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IN CC 1669/2012 of J.M.F.C.-I, HOSDURG
CRIME NO. 546/2012 OF CHANDERA POLICE STATION , KASARGOD
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PETITIONER(S)/ACCUSED 1 TO 6:

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- 1. ABDUL VAHAB.A.G., AGED 31 YEARS
S/O ABOOBACKER, RESIDING AT A.G HOUSE, CHAUVARY
NORTH TRIKARIPUR VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT**
 - 2. NAVAS . M, AGED 25 YEARS,
S/O MUHAMMED KUNHI .K.N, RESIDING AT SAFIYA MANZIL
THANKAYAM, NORTH TRIKARIPUR VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT**
 - 3. RAMSHAD . M, AGED 24 YEARS,
S/O MUHAMMED KUNHI .K.N, RESIDING AT SAFIYA MANZIL
CHAUVARY, NORTH TRIKARIPUR VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT**
 - 4. MOHAMMED JABIR, AGED 23 YEARS,
S/O ABDUL KHADER, RESIDING AT MOOPANDAKATHU HOUSE
THANKAYAM, NORTH TRIKARIPUR VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT**
 - 5. NISSAR. T, AGED 27 YEARS,
S/O MOIDEENKUTTY, RESIDING AT THELAPURATHU HOUSE
THANKAYAM, NORTH TRIKARIPUR VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT**
 - 6. V.P. FAISAL, AGED 23 YEARS,
S/O ABBAS, RESIDING AT SULAIKHA MANZIL, THANKAYAM
NORTH TRIKARIPUR VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT**

BY ADV. SRI.T.MADHU

RESPONDENT(S)/STATE:

- 1. THE STATE OF KERALA
THROUGH THE STATION HOUSE, OFFICER
CHANDERA POLICE STATION
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM-682 031**
- 2. SUKUMARAN. M.V
S/O M. KOTTAN, RESIDING AT SUKILA NIVAS, CHAUVARY
NORTH TRIKARIPUR VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT 671 310**
- 3. VISHALAKSHI. V.M
W/O SUKUMARAN M.V, RESIDING AT SUKILA NIVAS, CHAUVARY
NORTH TRIKARIPUR VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT 671 310**

**R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN
R2 & 3 BY ADV. SMT.G.SANGEETHA**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
29-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

VS

Crl.MC.No. 4749 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1 : THE TRUE COPY OF THE FIR IN CRIME NO. 546/2012 OF CHANDERA POLICE STATION

ANNEXURE A2 : THE TRUE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 546/12 OF CHANDERA POLICE STATION

ANNEXURE A3 : THE AFFIDAVIT DT. 21/7/15 SWORN BY THE 2ND RESPONDENT

ANNEXURE A4 : THE AFFIDAVIT DT. 21.7/15 SWORN IN THE 3RD RESPONDENT

ANNEXURE A5 : THE TRUE CERTIFIED COPY OF THE MEMO OF EVIDENCE IN CRIME NO 546/12 OF CHANDERA POLICE STATION

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

ALEXANDER THOMAS, J.

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Crl.M.C.No.4749 of 2015

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Dated this the 29th day of July, 2015

ORDER

The petitioners seek orders to quash the final report and further proceedings in Crime No.546/2012 of Chandera Police Station, registered under Sections 143, 147, 148, 452, 323, 427, 506(ii) read with Section 149 of the Indian Penal Code. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The de facto complainant is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused and he has no grievance or complaint. The other person who sustained injuries in the alleged incident is the 3rd respondent. She has also filed affidavit to the effect that she has settled the dispute with the accused and she has no grievance or complaint now.

2. In a catena of decisions, the Apex Court has held that in appropriate cases involving even non-compoundable offences, the High Court can quash prosecution by exercise of the powers

under Sec.482 of the Cr.P.C., if the parties have really settled the whole dispute or if continuance of prosecution will not serve any purpose. Here, this Court finds a real case of settlement between the parties and it is also found that continuance of prosecution in such a situation will not serve any purpose other than wasting the precious time of the court, when the case ultimately comes before the court. On a perusal of the petition and on a close scrutiny of the investigation materials on record and the affidavit of settlement and taking into account the attendant facts and circumstances of this case, this Court is of the considered opinion that the legal principles laid down by the Apex Court in the cases as in *Gian Singh v. State of Punjab* reported in 2013 (1) SCC (Cri) 160 = (2012) 10 SCC 303 and *Narinder Singh and others v. State of Punjab and anr.* reported in (2014) 6 SCC 466, more particularly paragraph 29 thereof, could be applied in this case to consider the prayer for quashment.

Accordingly, the impugned final report and further proceedings arising out of crime No.546/2012 of Chandera Police Station, including all further proceedings arising out of C.C.No.1669/2012 on the file of the Judicial First Class Magistrate Court-I, Hosdurg, pending against the petitioners

herein will stand quashed under Section 482 of the Code of Criminal Procedure.

With these observations and directions this Crl.M.C. stands finally disposed of.

Sd/-
ALEXANDER THOMAS
JUDGE

VS